UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,354	11/08/2001	Matthew George Majikes	52493.000187	5302

7590 02/03/2009

Ozzie A. Farres, Esq.
Hunton & Williams
Suite 1200
1900 K Street
Washington, DC 20006

EXAMINER	
RINES, ROBERT D	
ART UNIT	PAPER NUMBER
3686	

MAIL DATE	DELIVERY MODE
02/03/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/986,354	MAJIKES ET AL.	
	Examiner	Art Unit	
	R. DAVID RINES	3686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 June 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21 and 23-29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21 and 23-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Notice to Applicant

[1] This communication is in response to the amendment filed 30 June 2008. Claim 22 has been cancelled. Claim 29 has been added. Claims 1-21 and 23-29 are pending.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

[2] Claims 15-21 and 23-28 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Under the statute, the claimed invention must fall into one of the four recognized statutory classes of invention, namely, a process (or method); a machine (or system); an article of manufacture; or a composition of matter. The latter three categories define "things" or "products" while a process consists of a series of steps or acts to be performed. For purposes of determining whether a process is eligible for patent under 35 U.S.C 101, a process has been given specialized, limited meaning by the courts.

Under the guidance of Supreme Court precedent and recent Federal Circuit decisions, in order for a process to be considered eligible for patent under 35 U.S.C. 101, the process must (1) be tied to another statutory class or (2) transform underlying subject matter to a different state or

thing. If neither of these requirements is met by the claim, the process is not a patent eligible process under 35 U.S.C. 101 and is accordingly rejected as being directed to non-statutory subject matter.

Claim 15 recites a series of method steps directed to personalizing delivery of insurance or financial services related content to a user. The method steps include "receiving a product selection", "determining information about a user", "personalizing the...information", and "delivering the…content". The method steps presented in the body of the claim fail to positively recite the use of a machine, article of manufacture, or a composition of matter in achieving the desired result. While the claim indicates that the method steps are performed using an "engine being accessible to the user over a communications network", neither the engine nor the communications network are claimed in a manner that clearly defines these elements as positively belonging to a recognized statutory category of invention. Further, the claim fails to require the use of the communications network but merely indicates that the engine "is accessible" over a network. Because the "engine" is not clearly indicated as operable on a specific statutory machine and the use of the "communications network" is not positively required by the recited method steps, Examiner considers these designations to constitute a nominal recitation technology that fails to tie the claimed method to another statutory class of invention. Accordingly, the recited method steps are not specifically enabled by another recognized statutory class of invention and claim 15 is rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter.

Claims 16-21 and 23-28, when analyzed in the same manner described above with respect to claim 15, also fail to positively recite another statutory class of invention. Therefore, claims 16-21 and 23-28 are also rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter.

[3] Claims 1-14 and claim 29 are rejected under 35 U.S.C. 101 because the claimed invention is directed to nonstatutory descriptive material.

Data structures not claimed as embodied in computer-readable media are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer. See, e.g., Warmerdam, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure per se held nonstatutory). Such claimed data structures do not define any structural and functional interrelationships between the data structure and other claimed aspects of the invention, which permit the data structure's functionality to be realized. A claim for a computer program without the computer-readable medium needed to realize the computer's functionality is nonstatutory descriptive material (MPEP 2106-1(a)).

Claim 1 of the instant application is directed to a system as defined by the preamble of the claim. However, the body of the claim recites limitations directed to "a product or service selection module", "a filtering module", and "an administration module". Upon review of the

Specification as originally filed, Examiner has determined that the recited modules constitute a series of software programs that are not claimed as embodied on a computer-readable medium and thus are incapable of causing a functional change in the computer. Further, although drawn to a system, the claim fails to recite any of system components or hardware that comprise the system and are necessary to accomplish the claimed functions. Accordingly, as presently constructed, claim 1 defines a series of software modules absent the computer-readable medium and hardware components necessary to accomplish the claimed functions. Therefore, claim 1 is rejected under 35 U.S.C. 101 as being directed to nonstatutory functional descriptive material.

Claims 2-14 and 29, when analyzed in the same manner described above with respect to claim 1, are also rejected under 35 U.S.C. 101 as being directed to nonstatutory functional descriptive material.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

[4] Claims 1-2, 4-7, 9-21, 23-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cullen et al., (United States Patent #6,272,528) in view of Chao et al. (United States Patent Application Publication #2002/0133383) and further in view of Herz et al. (United States Patent #5,835,087).

As per claim 1, Cullen et al. disclose a system for personalizing and delivering insurance or financial services-related content to a user, comprising: a product or service selection module for selecting at least one insurance or financial services-related category or products or services the user is interested in (Cullen et al.; col. 5, lines 19-41 and col. 7, lines 16-67); a filtering module associated with an engine for (1) determining information about the user based on the interest in particular insurance products or policies (Cullen et al.; col. 1, lines 31-45, col. 3, lines 29-34, and col. 5, lines 55-67), and (2) for personalizing and delivering the insurance or financial services-related content based on the information about the user (Cullen et al.; col. 1, lines 61-67, col. 6,

lines 9-21, and col. 7, lines 16-67), the engine being accessible to the user over a communications network (Cullen et al.; Abstract, col. 3, lines 2-9, and col. 4, lines 1-35).

Cullen et al. fail to specifically indicate that the user's interest "…..based on the user's historical access pattern to particular insurance products or policies…" or that the products retrieved are "products or services the user in authorized to sell…".

Cullen et al. teach the use of mobile agents that gather user information and preferences and subsequently collect information regarding insurance and financial products that is filtered to reflect the expressed interests of the user, Cullen et al. fail to disclose that user information and preferences are obtained via filtering the user's access behavior with regard to specific subjects or products that are of interest to the user. The user preferences are manually entered by an individual and retained by a "preferences agent.

Examiner notes that the claim as presently constructed recites an "engine" and then indicates an intended use for the engine which includes using user information to search for "products and services the user is authorized to sell" and "personalizing and delivering...at least one...insurance or product the user is authorized to sell...". Examiner submits that under the broadest reasonable interpretation of the above noted limitations, the agent-based search engine of Cullen et al. retrieves information from a stored profile which is used repeatedly each time a search is performed and thus retrieves information based on the same or slightly modified user profile

information each time (i.e., based on a historical access pattern). With respect to "user is authorized to sell" Examiner submits that any search engine (e.g. Cullen et al.) when used by an individual searching for products they can sell (e.g. an insurance agent searching the employer insurance company's web content) would be aware of the companies with which the individual has a selling agreement and would use appropriate search terms to find "products the user is authorized to sell".

Examiner assumes that information is filtered in accordance with rules or an agreement that defines products the "user is authorized to sell". Examiner further assumes that "based on a historical access pattern" is intended to indicate some form of passive filtering of the user's browsing patterns. However, neither of these elements is clearly defined by the claim. In the interest of expediting prosecution, Examiner has applied art under these assumptions.

Accordingly, as evidenced by Chao et al., the use of engines to filter financial and insurance product information to a distributor or agent to ensure that the delivered content is in accordance with existing sales agreements between the financial services company and the distributor of agent is well known in the insurance and financial services art (Chao et al.; paragraphs [0023] [0032] [0038] [0052]-[0057] *see "selling agreements module" and "appointments module"). Specifically, Chao et al. disclose an engine that filters/personalizes the deliverable information such that the information includes the at least one insurance or financial services-related product or service comprises identifying at least one insurance or financial services-related product and

service the user is authorized to sell (Chao et al.; paragraphs [0023] [0032] [0052]-[0057] and [0070] *see "selling agreements module" and "appointments module" *see also "system may determine whether the parties associated with the transaction are validly licensed or authorized to perform the transaction - paragraph [0070]).

Further, Chao et al. disclose an administration module associated with the engine for inputting, updating and accessing information about the user and the insurance or financial services-related content available to the user, the administration module being accessible to an administrator of the system via an administration interface Chao et al.; paragraphs [0052]-[0054]).

While the applied passages of Chao et al. disclose tracking and monitoring of licenses, appointments, and sales figures and quotas with regard to individual distributors, Chao et al. fail to disclose monitoring the access behavior or "historical access patterns" to determine the subject matter or content of the information to send to the user.

However, as is evidenced by Herz et al., filtering a user's browsing behavior, i.e., “access patterns” to generate an interest profile for the user that can be used to estimate the user's interest regarding other published material, is well-known in the electronic commerce and insurance/financial services art (Herz et al.; Abstract, col. 7, lines 47-67 and col. 17, lines 15-36).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Cullen et al. with those of Chao et al. and Herz et al. The combined teachings would have provided the basis for a system/method that gathers user preferences and requirements regarding financial products and applies the generated user profile information to the gathering of relevant information via the Internet for presentation to the user (Cullen et al.; Abstract and col. 1, lines 48-67). Further, when applied to the management of information sent to distributors by a financial services company, it would have been obvious to modify the search features of Cullen et al. to direct engines or filters to specifically tailor information to the guidelines established by existing selling agreements and appointments as well as jurisdictional considerations, i.e., "products the user is authorized to sell" (Chao et al. paragraphs [0052]-[0057]). Additionally, it would have been obvious to modify the search features of Cullen et al. to include well-known techniques for generating a user interest profile including active methods (i.e., user entry of preferences) and passive methods such as filters and browsers that gather data based on the user's intuitive browsing of material in order to estimate the affinities between a user and additional material (Herz et al.; col. 7, lines 47-67). The motivation to combine the teachings of Cullen et al. with those of Chao et al. would have been to manage regulatory information and ensure that distributors are licensed and appointed to sell the products manufactured or distributed by the provider (Chao et al.; paragraph [0018]). Motivation to additionally combine the teachings of Herz et al., would have been to employ well-known Internet browsing technologies to enable a user to access information of relevance and interest to the user without requiring the user to expend an excessive amount of time and energy searching

for the information (Herz et al.; col. 1, lines 46-50).

As per claim 2, Cullen et al. teach a system wherein the insurance or financial services-related content is delivered to the user over the communications network (Cullen et al.; col. 1, lines 61-67, col. 3, lines 2-9, and col. 6, lines 9-21).

As per claim 4, Chao et al. teach a system wherein the insurance or financial services-related content delivered to the user is located at a URL address (Chao et al.; paragraphs [0052]-[0054] [0073]).

As per claim 5, Chao et al. teach a system wherein the insurance or financial services-related content is delivered to the user via mail delivery means (Chao et al.; paragraph [0053] *see contact information "address").

As per claim 6, Chao et al. teach a system wherein the mail delivery means comprises the United States Postal Service (Chao et al.; paragraph [0053] *see contact information "address". NOTE: Examiner considers the use United States Postal Service "USPS" to be a user choice).

As per claim 7, Chao et al. teach a system wherein the mail delivery means comprises express delivery service (Chao et al.; paragraph [0053] *see contact information "address" *express mail is a user choice).

As per claim 9, Cullen et al. teach a system wherein the information about the user and the insurance or financial services-related content are stored in a database (Cullen et al.; col. 3, lines 10-15, col. 6, lines 32-34 and col. 7, lines 42-44).

As per claim 10, Cullen et al. teach a system wherein the information about the user comprises the user's identity (Cullen et al.; col. 3, line 42 and col. 5, lines 33-41).

As per claim 11, Cullen et al. teach a system wherein the information about the user comprises log-in information such as user name and password (Cullen et al.; col. 4, lines 1-34).

As per claim 12, Cullen et al. teach a system wherein the insurance or financial services-related content comprises information about insurance products and services available to the user (Cullen et al.; col. 3, lines 10-15 and col. 7, lines 13-15).

As per claim 13, Cullen et al. teach a system wherein the insurance or financial services-related content comprises literature about insurance products and services available to the user (Cullen et al.; col. 6, lines 9-21).

As per claim 14, Cullen et al. teach a system wherein the communications network comprises the Internet (Cullen et al.; col. 3, lines 2-9).

Regarding claims 2, 4-7, and 9-14, the statements of obviousness and motivation to combine as discussed with regard to claim 1 above are applicable to claims 2, 4-7, and 9-14 and are herein incorporated by reference.

As per claim 15, Cullen et al. teaches a method for personalizing delivery of insurance or financial services-related content to a user, comprising the steps of: receiving a product or service category selection from the user corresponding to at least one insurance or financial services-related category of products or services the user is interested in (Cullen et al.; col. 5, lines 19-41 and col. 7, lines 16-67); determining information about the user using a filter module associated with an engine (Cullen et al.; col. 1, lines 31-45, col. 3, lines 29-34, and col. 5, lines 55-67), the engine being accessible by the user over a communications network (Cullen et al.; Abstract, col. 3, lines 2-9, and col. 4, lines 1-35); personalizing the insurance or financial services-related content based on the information about the user (Cullen et al.; col. 1, lines 61-67, col. 6, lines 9-21, and col. 7, lines 16-67); and delivering personalized the insurance or financial services-related content to the user (Cullen et al.; col. 1, lines 61-67, col. 5, lines 19-41, col. 6, lines 9-21, col. 7, lines 16-67).

Cullen et al. fail to specifically indicate that the user's interest "…..based on the user's historical access pattern to particular insurance products or policies…" or that the products retrieved are "products or services the user in authorized to sell…".

Specifically, Cullen et al. teach the use of mobile agents that gather user information and preferences and subsequently collect information regarding insurance and financial products that is filtered to reflect the expressed interests of the user. The user preferences are manually entered by an individual and retained by a "preferences agent", which is referenced to search for products/services. Cullen et al. fail to exemplify specific instances in which the user enters search information to target products of services the user is authorized to sell.

Examiner notes that the claim as presently constructed recites an "engine" is used to search for "products and services the user is authorized to sell" and "personalizing and delivering...at least one...insurance or product the user is authorized to sell...". Examiner submits that under the broadest reasonable interpretation of the above noted limitations, the agent-based search engine of Cullen et al. retrieves information from a stored profile which is used repeatedly each time a search is performed and thus retrieves information based on the same or slightly modified user profile information each time (i.e., based on a historical access pattern). With respect to "user is authorized to sell" Examiner submits that any search engine (e.g. Cullen et al.) when used by an individual searching for products they can sell (e.g. an insurance agent searching the employer insurance company's web content) would be aware of the companies with which the individual has a selling agreement and would use appropriate search terms to find "products the user is authorized to sell".

However, in the interest of expediting prosecution, Examiner assumes the following is intended by Applicant's claim language: that information is filtered in accordance with rules or an agreement that defines products the "user is authorized to sell". Examiner further assumes that "based on a historical access pattern" is intended to indicate some form of passive filtering of the user's browsing patterns. However, neither of these elements is clearly defined by the claim. Cullen et al. fail to teach "authorized to sell" and passive filtering to define user characteristics. In the interest of expediting prosecution, Examiner has applied Chao et al. and Herz et al. to address these features below.

However, as evidenced by Chao et al., the use of engines to filter financial and insurance product information to a distributor or agent to ensure that the delivered content is in accordance with existing sales agreements between the financial services company and the distributor of agent is well known in the insurance and financial services art (Chao et al.; paragraphs [0023] [0032] [0038] [0052]-[0057] *see "selling agreements module" and "appointments module"). Specifically, Chao et al. disclose an engine that filters/personalizes the deliverable information such that the information includes the at least one insurance or financial services-related product or service comprises identifying at least one insurance or financial services-related product and service the user is authorized to sell (Chao et al.; paragraphs [0023] [0032] [0038] [0052]-[0057] *see "selling agreements module" and "appointments module").

Further, Chao et al. disclose an administration module associated with the engine for inputting, updating and accessing information about the user and the insurance or financial services-related content available to the user, the administration module being accessible to an administrator of the system via an administration interface Chao et al.; paragraphs [0052]-[0054]).

While the applied passages of Chao et al. disclose tracking and monitoring of licenses, appointments, and sales figures and quotas with regard to individual distributors, Chao et al. fail to disclose monitoring the access behavior or "historical access patterns" to determine the subject matter or content of the information to send to the user.

However, as is evidenced by Herz et al., the use of filtering a user's browsing behavior to generate an interest profile for the user that can be used to estimate the user's interest regarding other published material, is well-known in the insurance and financial services art (Herz et al.; Abstract, col. 7, lines 47-67 and col. 17, lines 15-36).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Cullen et al. with those of Chao et al. and Herz et al. The combined teachings would have provided the basis for a system/method that gathers user preferences and requirements regarding financial products and applies the generated user profile information to the gathering of relevant information via the Internet for presentation to the user (Cullen et al.; Abstract and col. 1, lines 48-67). Further, when applied to the management of

information sent to distributors by a financial services company, it would have been obvious to modify the search features of Cullen et al. to direct engines or filters to specifically tailor information to the guidelines established by existing selling agreements and appointments as well as jurisdictional considerations, i.e., "products the user is authorized to sell" (Chao et al. paragraphs [0052]-[0057]). Additionally, it would have been obvious to modify the search features of Cullen et al. to include well-known techniques for generating a user interest profile including active methods (i.e., user entry of preferences) and passive methods such as filters and browsers that gather data based on the user's intuitive browsing of material in order to estimate the affinities between a user and additional material (Herz et al.; col. 7, lines 47-67). The motivation to combine the teachings of Cullen et al. with those of Chao et al. would have been to manage regulatory information and ensure that distributors are licensed and appointed to sell the products manufactured or distributed by the provider (Chao et al.; paragraph [0018]). Motivation to additionally combine the teachings of Herz et al., would have been to employ well-known Internet browsing technologies to enable a user to access information of relevance and interest to the user without requiring the user to expend an excessive amount of time and energy searching for the information (Herz et al.; col. 1, lines 46-50).

As per claim 16, Cullen et al. teach a method wherein the insurance or financial services-related content is delivered to the user over the communications network (Cullen et al.; col. 1, lines 61-67, col. 3, lines 2-9, and col. 6, lines 9-21).

As per claim 17, Chao et al. disclose a method wherein the insurance or financial services-related content is delivered to the user via mail delivery means (Chao et al.; paragraph [0053] *NOTE contact information includes "address")

As per claim 18, Chao et al. disclose a method wherein delivering the insurance or financial services-related content comprises transferring the user to a URL address containing the insurance or financial services-related content (Chao et al.; paragraphs [0052]-[0054] [0073]).

As per claim 19, Cullen et al. teach a method wherein the information about the user comprises the user's identity (Cullen et al.; col. 3, line 42, and col. 5, lines 33-41).

As per claim 20, Cullen et al. teach a method wherein the user's identity is automatically determined upon the user accessing the filter module (Cullen et al.; col. 3, line 42, and col. 5, lines 33-41 and col. 4, lines 1-24).

As per claim 21, Cullen et al. teach a method where the user's identity is determined based on the user's username and password (Cullen et al.; col. 4, lines 1-35).

Claim 22 has been cancelled.

As per claim 23, Cullen et al. teach a method wherein the insurance or financial services-related

content comprises literature relating to products and services available to the user (Cullen et al.; col. 6, lines 9-21).

As per claim 24, Cullen et al. teach a method wherein the information about the user is stored in a database (Cullen et al.; col. 6, lines 32-34 and col. 7, lines 42-44).

Regarding claims 16-21 and 23-24, the statements of obviousness and motivation to combine as discussed with regard to claim 15 above are applicable to claims 16-21 and 23-24 and are herein incorporated by reference.

As per claim 25, Cullen et al. teach a method for a user to obtain personalized insurance or financial services-related content, comprising: selecting at least one insurance or financial services-related category of products or services the user is interested in (Cullen et al.; col. 5, lines 19-41 and col. 7, lines 16-67); accessing a filter module associated with an engine for: (1) determining information about the user (Cullen et al.; col. 1, lines 31-45, col. 3, lines 29-34, col. 4, lines 1-30, and col. 5, lines 55-67), and (2) for personalizing the insurance or financial services-related content based on information about the user (Cullen et al.; col. 1, lines 61-67, col. 6, lines 9-21, and col. 7, lines 16-67), the engine being accessible to the user of a communications network (Cullen et al.; Abstract, col. 3, lines 2-9, and col. 4, lines 1-35); and receiving the insurance or financial services-related content (Cullen et al.; col. 1, lines 61-67, col. 6, lines 9-21, and col. 7, lines 6-15).

While Cullen et al. teach the use of mobile agents that gather user information and preferences and subsequently collect information regarding insurance and financial products that is filtered to reflect the expressed interests of the user, Cullen et al. fail to disclose that user information and preferences are obtained via filtering the user's access behavior with regard to specific subjects or products that are of interest to the user. Cullen et al. further fail to explicitly state that the system is specifically applied to entities/users engaged in the selling of insurance or financial products and that the system locates items the user is "authorized to sell". Cullen et al. further fail to teach an administration module.

However, as evidenced by Chao et al., the use of engines to filter financial and insurance product information to a distributor or agent to ensure that the delivered content is in accordance with existing sales agreements between the financial services company and the distributor of agent is well known in the insurance and financial services art (Chao et al.; paragraphs [0023] [0032] [0038] [0052]-[0057] *see "selling agreements module" and "appointments module"). Specifically, Chao et al. disclose an engine that filters/personalizes the deliverable information such that the information includes the at least one insurance or financial services-related product or service comprises identifying at least one insurance or financial services-related product and service the user is authorized to sell (Chao et al.; paragraphs [0023] [0032] [0038] [0052]-[0057] *see "selling agreements module" and "appointments module").

Regarding the functionality of the "engine" to include "the engine generating the products and services the user is authorized to sell by: (1) narrowing a larger list of products and services based on authorization parameters and the information about the user, and (2) responding to a search entered by the user." Chao et al. disclose these features in the context of filtering user information in accordance with selling agreements and appointments to ensure that the user/distributor is authorized to sell the product(s) (Chao et al.; paragraphs [0023] [0032] [0038] [0052]-[0057]). Examiner submits that the noted teaching of Chao et al. indicates that the selling agreements are specific to the distributor and accordingly include the products (or subset of products) the user is appointed to sell.

While the applied passages of Chao et al. disclose tracking and monitoring of licenses, appointments, and sales figures and quotas with regard to individual distributors, Chao et al. fail to disclose monitoring the access behavior or "historical access patterns" to determine the subject matter or content of the information to send to the user.

However, as is evidenced by Herz et al., the use of filtering a user's browsing behavior to generate an interest profile for the user that can be used to estimate the user's interest regarding other published material, is well-known in the insurance and financial services art (Herz et al.; Abstract, col. 7, lines 47-67 and col. 17, lines 15-36).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Cullen et al. with those of Chao et al. and Herz et al. The combined teachings would have provided the basis for a system/method that gathers user preferences and requirements regarding financial products and applies the generated user profile information to the gathering of relevant information via the Internet for presentation to the user (Cullen et al.; Abstract and col. 1, lines 48-67). Further, when applied to the management of information sent to distributors by a financial services company, it would have been obvious to modify the search features of Cullen et al. to direct engines or filters to specifically tailor information to the guidelines established by existing selling agreements and appointments as well as jurisdictional considerations, i.e., "products the user is authorized to sell" (Chao et al. paragraphs [0052]-[0057]). Additionally, it would have been obvious to modify the search features of Cullen et al. to include well-known techniques for generating a user interest profile including active methods (i.e., user entry of preferences) and passive methods such as filters and browsers that gather data based on the user's intuitive browsing of material in order to estimate the affinities between a user and additional material (Herz et al.; col. 7, lines 47-67). The motivation to combine the teachings of Cullen et al. with those of Chao et al. would have been to manage regulatory information and ensure that distributors are licensed and appointed to sell the products manufactured or distributed by the provider (Chao et al.; paragraph [0018]). Motivation to additionally combine the teachings of Herz et al., would have been to employ well-known Internet browsing technologies to enable a user to access information of relevance and interest to the user without requiring the user to expend an excessive amount of time and energy searching

for the information (Herz et al.; col. 1, lines 46-50).

As per claim 26, Cullen et al. teaches a method wherein the insurance or financial services-related content is received over the communications network (Cullen et al.; col. 1, lines 61-67 and col. 3, lines 2-9 and col. 6, lines 9-21).

As per claim 27, Chao et al. disclose a method wherein the insurance or financial services-related content is received via mail delivery means (Chao et al.; paragraph [0053] NOTE: "address").

As per claim 28, Cullen et al. teaches a method wherein the insurance or financial services-related content comprises information about insurance products and services available to the user (Cullen et al.; col. 3, line 10-15, and col. 7, lines 13-15).

Regarding claims 26-28, the obviousness and motivation to combine as discussed with regard to claim 25 above are applicable to claims 26-28 and are herein incorporated by reference.

[6] Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cullen et al., Herz et al., and Chao et al, as applied to claim 1 above, and further in view of Quido et al.

As per claim 3, although Cullen et al., teach delivering insurance or financial services-related content to a user via a computer network (Cullen et al.; Abstract), neither Cullen nor Chao, nor Herz specifically teach transmitting content in PDF format.

However, Quido et al., teaches a system wherein the insurance or financial services-related content is delivered in PDF format (Quido et al.; paragraphs [0095] [0101]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Cullen et al., Chao et al., and Herz et al. as applied to claim 1 above, with those of Quido et al. Such combination would have resulted in a system and method in which a mobile software agent obtains the details of a user's requirements, obtains financial information from the server computers on behalf of the user in light of the users requirements, and then delivers the financial information to the user (Cullen et al.; Abstract). The motivation to combine the teachings would have been store content in PDF format, a format that is well known in the art as evidenced by Quido et al., such that the documents could be made available to an online user (Quido et al.; paragraph [0095]).

[7] Claims 8 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cullen et al., Chao et al., and Herz et al, as applied to claim 1 above, and further in view of Parker (United States Patent Application Publication #2003/0182290).

As per claim 8, while Chao et al. teach a system wherein the administration interface serves in the uploading insurance or financial services-related information, Cullen et al., Chao et al., and Herz et al. fail teach scanning documents into the system.

However, scanning hardcopy documents for the purpose of computer storage is old and well known in the art as is evidenced by Parker (Parker; paragraph [0023]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Cullen et al., Chao et al., and Herz et al. as applied to claim 1 above, with those of Parker. The motivation to combine the teachings would have been to employ a technique that is old and well-known in the art for the purpose of converting written documents into computer storable images (Parker; paragraph [0023]) such that scanned document images such as insurance policies, wills, medical histories etc., can be stored on the computer (Parker; paragraph [0023]).

Newly added claim 29 differs from claim 1 with regard to the claimed administration module. Claim 29 further specifies the features of the claimed administration module to require "....wherein the administration interface includes scanning means for uploading insurance or financial services-related information". As per this element, Cullen et al., and Herz et al. fail to disclose and administration interface including scanning means.

While Chao et al. teach a system wherein the administration interface serves in the uploading of insurance or financial services-related information, Chao et al. fail to disclose scanning means for scanning hardcopy documents into the system.

However, as evidenced by Parker, it is well-known in the art to use a scanner to scan documents into electronic form such that they can be stored and accessed electronically (Parker; paragraph [0023]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Cullen et al., Chao et al., and Herz et al. as applied to claim 1 above, with those of Parker. It would have been obvious to have modified the administration interface of Chao et al. to include well-known technologies for converting written documents into computer storable images (Parker; paragraph [0023]) with the motivation of enabling pertinent documents such as insurance policies, wills, medical histories etc. to be converted to electronic images so that they can be stored on the computer (Parker; paragraph [0023]).

Response to Arguments

Applicant's arguments filed 30 June 2008 have been fully considered but they are not persuasive. The remarks will be addressed below in the order in which they appear in the response filed 30 June 2008.

Applicant remarks that the combination of Cullen et al., Chao et al., and Herz et al., does not describe the system defined by claim 1 of present application.

Applicant remarks that (1) "…Cullen fails to disclose "determining information about the user...", (2) "Cullen fails to disclose…a filtering module "for personalizing and delivering the at least one insurance or financial services-related product or service based on the information about the user" , (3) Chao fails to disclose…"determining information about the user based on…products and services the user is authorized to sell…", (4) Chao fails to disclose…"an administration module associated with the engine for inputting, updating and accessing information about the user and the insurance or financial services-related content available to the user…", (5) Herz fails to disclose, "determining information about the user based on the user's historical access pattern to particular insurance products or policies and products the user is authorized to sell....".

In response to remarks (1) and (2), Examiner directs Applicant's attention to the applied teachings of Cullen et al. at col. 1, lines 31-45, col. 3, lines 29-34, and col. 5, lines 55-67 in addition to the support teachings at col. 6, lines 1-19. Cullen et al. disclose the use of mobile agent-based search technology (i.e., an "engine") that includes a user "preference agent" which gathers information from the user regarding the user's preferences for particular insurance or financial products. Cullen et al. further define additional agents (e.g., insurance agent) that gather

information about the user from the preference agent (i.e., user preference information) and use the preference information to gather insurance and financial product information from vendors that is tailored in accordance with the user preference information (i.e., a filter) (Cullen et al.; col. 5, lines 50-67 and col. 6, lines 1-19). Examiner respectfully submits that the gathering and assembly of preference information from the user as needed by the preference agent and subsequent gathering of insurance products from vendors that is tailored according to the preference information constitutes "determining information about the user" and "personalizing" the deliverable content to the user. Examiner relies on the teachings of Cullen et al. to address the determining user information and personalizing deliverable financial and insurance product information in accordance with the user preference information. Examiner concedes that the search profile of the user and the filtering of deliverable content as disclosed by Cullen et al. is an active process requiring user preference inputs from the user. Accordingly, Cullen et al. fail to disclose assembly of the user profile by passive technologies, i.e., "based on a historical access pattern". Examiner relies on the teachings of Herz to evidence that assembly of a user search profile by passive technologies (i.e., user access patterns) is well-known in the art.

In response to Applicant's remark (3), Examiner directs Applicant's attention to the applied teachings of Chao et al. at paragraphs [0056]-[0057] and the supportive teachings at paragraph [0070]. Paragraphs [0056] and [0057] of Chao et al. disclose a "license and appointments module" and a "selling agreements module", respectively. In paragraph [0056], Chao et al. disclose that the license and appointments module defines license/appointment types by

company, state, and either product or product line. Chao et al. further indicate that the licensing module performs checking as required to validate that "licensing requirements are met and holding activity until requirements are met". Examiner respectfully submits that "holding activity" constitutes a filtering of transactions pending a check for a valid license, i.e., a check as to whether the user is "authorized to sell" the products.

In paragraph [0057], Chao et al. disclose that the selling agreement module defines "a hierarchy of sales people that can sell products under that contract [and] it defines what products can be sold under that contract". Examiner respectfully submits that the defining of products that can be sold under the contract constitutes identification of "products the user is authorized to sell". While Chao et al., fail to specifically exemplify the delivery of product information as filtered by these modules, paragraph [0070] provides an operational example of the checks performed by these modules in accordance with transactions conducted on the system. Specifically, Chao et al. indicate that the "system may determine whether the parties are validly licensed or authorized to perform such sales transactions" (Chao et al. paragraph [0070]). Examiner respectfully submits Chao's filtering of transactions in accordance with licensing checks and existing sales agreements, i.e., products to be sold under the contract, constitutes identification of "products the user is authorized to sell".

In response to Applicant's remark (4), Examiner directs Applicant's attention to the applied teachings of Chao et al. at paragraphs [0052]-[0054] and the supportive teachings at paragraph

[0062]. Specifically, paragraph [0053] discloses a "distributor administration module" that includes distributor information including licensing requirements, contact information and selling agreements information, i.e., products to be sold. Paragraph [0062] indicates that the administrative functions are performed via user interfaces. Examiner submits that the distributor administration module in conjunction with the disclosed interface constitute an administration module.

In response to Applicant's remark (5), Examiner notes that the rejection of claim 1 relies on Cullen et al. for the determining of information about the user and delivery of personalized content limitations. Examiner acknowledges that Cullen et al. fails to define passive assembly of the user preferences based on the historical access pattern. Herz et al. is applied merely to evidence that passive filtering of access behavior to assemble a user profile is old and well known in the art. Specifically, Herz et al. disclose a passive mechanism that "infers the user's interest from the user's behavior" (Herz et al.; col. 17, lines 30-35). Examiner respectfully submits that the use of a passive filter for determining additional objects that a user may find interesting is well-known in the art.

Applicant's remaining remarks are considered to have been addressed above.

In conclusion, all of the limitations which Applicant disputes as missing in the applied references have been fully addressed by the Examiner as either being fully disclosed or obvious in view of

the applied teachings based on the logic and sound scientific reasoning of one ordinarily skilled in the art at the time of the invention, as detailed in the remarks and explanations given in the preceding sections of the present Office Action and in the prior Office Action (31 March 2008), and incorporated herein.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to R. DAVID RINES whose telephone number is (571) 272-5585. The examiner can normally be reached on 8:30am - 5:00pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, GERALD J. O'CONNOR can be reached on (571) 272-6787. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or (571) 272-1000.

/R. D. R./
Examiner, Art Unit 3686
February 2, 2009

/Gerald J. O'Connor/
Supervisory Patent Examiner
Group Art Unit 3686